

MESSAGE NO: 9268206 MESSAGE DATE: 09/25/2009
MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: FIN-Final Determination PUBLIC NON-PUBLIC
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-941

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 09/09/2009 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDED FINAL DETERMINATION ANDAD ORDER IN INVESTI. OF CERTAIN
KITCHEN APPLIANCE SHELVING AND RACKS FROM CHINA (A-570-941-
000/001/002/003/004/005)

MESSAGE NO: 9268206

DATE: 09 25 2009

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REFERENCE:

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CASES: A - 570 - 941

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PERIOD COVERED: 09 09 2009 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: AMENDED FINAL DETERMINATION ANDAD ORDER IN INVESTI.
OF CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS FROM
CHINA (A-570-941-000/001/002/003/004/005)

1. ON 09/14/2009, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER AND AMENDED FINAL
DETERMINATION IN THE INVESTIGATION OF CERTAIN KITCHEN APPLIANCE
SHELVING AND RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA (74 FR
46971).

2. THE SCOPE OF THIS ORDER CONSISTS OF SHELVING AND RACKS FOR
REFRIGERATORS, FREEZERS, COMBINED REFRIGERATOR-FREEZERS, OTHER

REFRIGERATING OR FREEZING EQUIPMENT, COOKING STOVES, RANGES, AND OVENS (CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS OR THE MERCHANDISE UNDER ORDER).

CERTAIN KITCHEN APPLIANCE SHELVING AND RACKS ARE DEFINED AS SHELVING, BASKETS, RACKS (WITH OR WITHOUT EXTENSION SLIDES, WHICH ARE CARBON OR STAINLESS STEEL HARDWARE DEVICES THAT ARE CONNECTED TO SHELVING, BASKETS, OR RACKS TO ENABLE SLIDING), SIDE RACKS (WHICH ARE WELDED WIRE SUPPORT STRUCTURES FOR OVEN RACKS THAT ATTACH TO THE INTERIOR WALLS OF AN OVEN CAVITY THAT DOES NOT INCLUDE SUPPORT RIBS AS A DESIGN FEATURE), AND SUBFRAMES (WHICH ARE WELDED WIRE SUPPORT STRUCTURES THAT INTERFACE WITH FORMED SUPPORT RIBS INSIDE AN OVEN CAVITY TO SUPPORT OVEN RACK ASSEMBLIES UTILIZING EXTENSION SLIDES) WITH THE FOLLOWING DIMENSIONS:

-- SHELVING AND RACKS WITH DIMENSIONS RANGING FROM 3 INCHES BY 5 INCHES BY 0.10 INCH TO 28 INCHES BY 34 INCHES BY 6 INCHES; OR

-- BASKETS WITH DIMENSIONS RANGING FROM 2 INCHES BY 4 INCHES BY 3 INCHES TO 28 INCHES BY 34 INCHES BY 16 INCHES; OR

--SIDE RACKS FROM 6 INCHES BY 8 INCHES BY 0.1 INCH TO 16 INCHES BY 30 INCHES BY 4 INCHES; OR

--SUBFRAMES FROM 6 INCHES BY 10 INCHES BY 0.1 INCH TO 28 INCHES BY 34 INCHES BY 6 INCHES.

THE MERCHANDISE UNDER ORDER IS COMPRISED OF CARBON OR STAINLESS STEEL WIRE RANGING IN THICKNESS FROM 0.050 INCH TO 0.500 INCH AND MAY INCLUDE SHEET METAL OF EITHER CARBON OR STAINLESS STEEL RANGING IN THICKNESS FROM 0.020 INCH TO 0.2 INCH. THE MERCHANDISE UNDER ORDER MAY BE COATED OR UNCOATED AND MAY BE FORMED AND/OR WELDED. EXCLUDED FROM THE SCOPE OF THIS ORDER IS SHELVING IN WHICH THE SUPPORT SURFACE IS GLASS.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CURRENTLY CLASSIFIABLE

IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS) STATISTICAL REPORTING NUMBERS 8418.99.8050, 8418.99.8060, 7321.90.5000, 7321.90.6090, 8516.90.8000, 8516.90.8010 AND 7321.90.6040. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED NUMBER A-570-941.

4. THE INTERNATIONAL TRADE COMMISSION (ITC) FOUND IN ITS FINAL VOTE THAT THERE ARE TWO SEPARATE LIKE PRODUCTS WITHIN THE SCOPE OF THIS ORDER, REFRIGERATION SHELVING AND OVEN RACKS, AND THUS TWO SEPARATE DOMESTIC INDUSTRIES. THE ITC NOTIFIED COMMERCE THAT IMPORTS OF OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DETERMINED THAT IT WOULD NOT HAVE FOUND MATERIAL INJURY BUT FOR THE SUSPENSION OF LIQUIDATION. THEREFORE, COMMERCE WILL ISSUE SEPARATE INSTRUCTIONS TO U.S. CBP TO TERMINATE SUSPENSION AND REFUND ANY CASH DEPOSIT AND RELEASE ANY BOND OR OTHER SECURITY OF OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA, FOR SHIPMENTS, ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION PRIOR TO

09/09/2009, THE DATE OF PUBLICATION OF THE ITCS FINAL DETERMINATION IN THE FEDERAL REGISTER.

CBP SHALL SUSPEND LIQUIDATION FOR OVEN RACKS FROM THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 09/09/2009, THE DATE OF PUBLICATION OF THE ITCS FINAL DETERMINATION IN THE FEDERAL REGISTER.

ADDITIONALLY, THE ITC NOTIFIED COMMERCE THAT IMPORTS OF

REFRIGERATION SHELVING FROM THE PEOPLE'S REPUBLIC OF CHINA MATERIALLY INJURED THE U.S. INDUSTRY. THEREFORE, FOR IMPORTS OF REFRIGERATION SHELVING FROM THE PEOPLE'S REPUBLIC OF CHINA, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS, ENTERED OR

WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 3/05/09.

EFFECTIVE 09/09/2009, THE DATE OF PUBLICATION OF THE ITCS FINAL AFFIRMATIVE INJURY DETERMINATION (74 FR 46464), CBP WILL REQUIRE, AT THE SAME TIME AS IMPORTERS WOULD NORMALLY DEPOSIT ESTIMATED DUTIES ON THIS MERCHANDISE, A CASH DEPOSIT EQUAL TO THE MARGINS SHOWN BELOW:

EXPORTER/PRODUCER	CBP ID NUMBER	MARGIN
EXPORTED AND MANUFACTURED BY GUANGDONG	A-570-941-001	95.99%

WIREKING HOUSEWARES & HARDWARE CO., LTD.
(A/K/A FOSHAN SHUNDE WIREKING HOUSEWARES
& HARDWARE CO., LTD.

EXPORTED AND MANUFACTURED BY NEW KING SHAN (ZHU HAI) CO., LTD.	A-570-941-002	41.92%
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EXPORTED BY MARMON RETAIL SERVICES ASIA AND MANUFACTURED BY LEADER METAL INDUSTRY CO., LTD. (A/K/A MARMON RETAIL SERVICES ASIA)	A-570-941-003	41.92%
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EXPORTED AND MANUFACTURED BY HANGZHOU DUNLI IMPORT & EXPORT CO., LTD.	A-570-941-004	41.92%
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EXPORTED AND MANUFACTURED BY JIANGSU WEIXI GROUP CO.	A-570-941-005	41.92%
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PRC-WIDE	A-570-941-000	95.99%
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ON 09/14/2009 COMMERCE PUBLISHED AN AMENDED FINAL DETERMINATION, RESULTING IN A CHANGE OF MARGINS. THE AMENDED MARGINS ARE EFFECTIVE AS OF 07/24/2009, THE DATE OF PUBLICATION OF THE FINAL DETERMINATION. IN LIGHT OF THE CHANGE, THE DEPARTMENT WILL ISSUE SEPARATE REFUND INSTRUCTIONS. 19 U.S.C. SECTION 1520(a)(4)

AUTHORIZES REFUNDS PRIOR TO LIQUIDATION WHENEVER AN IMPORTER OF

RECORD DECLARES OR IT IS ASCERTAINED THAT EXCESS DUTIES, FEES, CHARGES, OR EXACTIONS HAVE BEEN DEPOSITED OR PAID.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD

OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY 09:KM).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party